

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

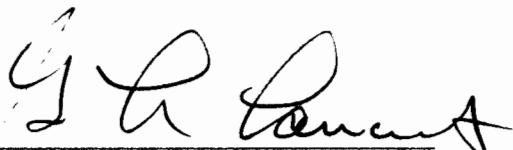
ANTHONY ERIC PROCTOR,)
Petitioner,)
)
v.) Civil Action No. 06-753
)
PAUL J. STOWITZKY,)
Respondent.)

O R D E R

AND NOW, this 14th day of Sept 2006, after a petition for a writ of habeas corpus was filed by the petitioner, Anthony Eric Proctor, and after the Report and Recommendation of the United States Magistrate Judge was issued, and the petitioner was granted thirteen days after being served with a copy to file written objections thereto, and upon consideration of the objections filed by the petitioner, and after independent review of the petition and the record, and upon consideration of the Report and Recommendation of the Magistrate Judge, which is adopted and incorporated as the opinion of this Court,

IT IS ORDERED that the petition of Anthony Eric Proctor for a writ of habeas corpus is dismissed, and that a certificate of appealability is denied for lack of a viable constitutional issue.

IT IS FURTHER ORDERED that pursuant to Rule 4(a)(1) of the F.R.App.P., if the petitioner desires to appeal from this Order, he must do so within thirty (30) days by filing a notice of appeal as provided by Rule 3 F.R.App.P.



United States District Judge

cc: Anthony Eric Proctor
CU-4530
SRCF Mercer
801 Butler Pike
Mercer, PA 16137

All Counsel of Record

Honorable Robert C. Mitchell
United States Magistrate Judge